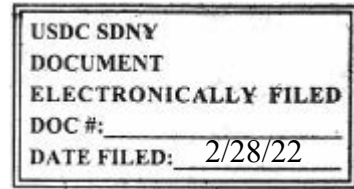


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



Theatrical Drivers and Helpers Local Union No. 817  
International Brotherhood of Teamsters,

Plaintiff,

—v—

BNM Production Services, Inc.,

Defendant.

21-cv-1755 (AJN) (SLC)

ORDER

ALISON J. NATHAN, District Judge:

On November 8, 2021, the Court referred Plaintiff’s motion for default judgment against Defendant to Magistrate Judge Sarah L. Cave. Dkt. No. 20. On December 27, 2021, Judge Cave filed a Report & Recommendation recommending that the Court construe Plaintiff’s motion as a motion for summary judgment and that the Court grant Plaintiff’s motion and enter judgment against Defendant. Dkt. No. 24.

When considering the findings and recommendations of a Magistrate Judge, the Court may “accept, reject, or modify [them], in whole or in part.” 28 U.S.C. § 636(b)(1). The Court must make a *de novo* determination of any portions of a magistrate’s report or findings to which a party raises an objection, and reviews only for “clear error on the face of the record” when there are no timely objections to the Report & Recommendation. *Banks v. Comm’r of Soc. Sec.*, No. 19-cv-929 (AJN) (SDA), 2020 WL 2765686, at \*1 (S.D.N.Y. May 27, 2020); *see also Brennan v. Colvin*, No. 13-cv-6338 (AJN), 2015 WL 1402204, at \*1 (S.D.N.Y. Mar. 25, 2015); *Hicks v. Ercole*, No. 09-cv-2531 (AJN) (MHD), 2015 WL 1266800, at \*1 (S.D.N.Y. Mar. 18, 2015); *Gomez v. Brown*, 655 F. Supp. 2d 332, 341 (S.D.N.Y. 2009). Clear error is found

only when, upon review of the entire record, the Court is left with “the definite and firm conviction that a mistake has been committed.” *Laster v. Mancini*, No. 07-cv-8265 (DAB) (MHD), 2013 WL 5405468, at \*2 (S.D.N.Y. Sept. 25, 2013) (quoting *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006)).

As of this date, no objection to the Report & Recommendation has been filed, and the deadline for objections has passed. Thus, the Court reviews the Report & Recommendation for clear error, and it finds none.

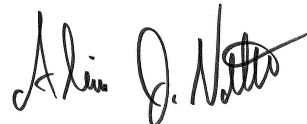
The Court therefore adopts the Report & Recommendation in its entirety and GRANTS Plaintiff’s motion against Defendant. The Court orders that judgment be entered in favor of Plaintiff and against Defendant in the total amount of \$39,112.82, allocated as follows:

1. The sum of \$4,034.00 in lost salary, meals, and rentals to Jesse Davidson and \$1,419.65 to the MPIPHP on his behalf, plus post-judgment interest as required by 28 U.S.C. § 1961(a);
2. The sum of \$3,792.00 in lost salary, meals, and rentals, to Jennifer Sonnenfeld and \$532.37 to the MPHHP on her behalf, plus post-judgment interest;
3. The sum of \$20,000 in lost salary to Susan Shopmaker and \$4,365.20 to the MHPIPHP on her behalf, plus post-judgment interest;
4. The sum of \$3,000 in lost salary to Emily Fleisher and \$1,694.60 to the MHPIPHP on her behalf, plus post-judgment interest; and
5. The sum of \$275.00 to Local 817 reflecting the arbitrator’s administrative fee.

This resolves docket number 19. The Clerk of Court is respectfully directed to enter judgment in accordance with the Report & Recommendation and close this case.

SO ORDERED.

Dated: February 28, 2022  
New York, New York



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ALISON J. NATHAN  
United States District Judge